

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0267**

**HAWKINS et al. v. SECURA**

**Appellate Case Information**

Case Filed: **24-Apr-2015**  
Case Closed:

**Dept/Composition**

**Department B**

Hon. Patricia K Norris  
Hon. Samuel A Thumma  
Hon. Margaret H Downie

**Side 1. CHRISTOPHER HAWKINS; NICKOLAS MASCARO; MATTHEW MASCARO, Minors, by and through their next friend, PATRICIA MASCARO, individually, Plaintiff/Appellee**

**(Litigant Group) CHRISTOPHER HAWKINS et al.**

- Christopher Hawkins
- Nickolas Mascaro
- Matthew Mascaro
- Patricia Mascaro

**Attorneys for: Plaintiffs/Appellees**

David E Wattel, Esq. (AZ Bar No. 12405)  
Michael L York, II, Esq. (AZ Bar No. 15362)

**Side 2. SECURA INSURANCE, Defendant/Appellant**

**(Litigant Group) SECURA INSURANCE**

- Secura Insurance

**Co-Counsel for: Defendant/Appellant**

Joel DeCiancio, Esq. (AZ Bar No. 19732)  
Christopher Robbins, Esq. (AZ Bar No. 11064)  
Timothy L Moulton, Esq. (AZ Bar No. 10066)  
Kathleen M Kassmann, Esq. (AZ Bar No. 13894)

**CASE STATUS**

Dec 20, 2016....**Under Advisement**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-011925	Tort Motor Vehicle		Mark H Brain, Authoring Judge of Order		

**CALENDAR**

**Tuesday** MONTHLY COURT CASE CALENDAR

**20-Dec-2016** Department B; COURTROOM 1

11:00 AM CHRISTOPHER HAWKINS et al..... 20 mins.  
SECURA INSURANCE..... 20 mins.

**82 PROCEEDING ENTRIES**

1. 24-Apr-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/27/15
2. 24-Apr-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits - not sent at this time
3. 1-May-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 6-May-2015 FILED: Case Management Statement; Judgment filed 12/9/14 (Appellant)
5. 11-May-2015 RECEIPT No.: 2015-00633 ; \$280.00, Authorization: #31004308020, Applied to: SECURA INSURANCE - Class A Filing Fee (\$280.00) Paid for: DeCiancio Robbins PLC - By Integrated Resource Systems IN
6. 21-May-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7. 26-May-2015 RECEIPT No.: 2015-00716 ; \$140.00, Check Number: #060485, Applied to: CHRISTOPHER HAWKINS et al. - Class B Filing Fee (\$140.00) Paid for: - By Wattel & York LLC
8. 1-Jun-2015 ORDERED: (Court has selected this appeal for assignment to Settlement Conference Program) Vacating 6/30/15 due date for opening brief. FURTHER ORDERED: Staying appeal until further order. Order does not stay time for payment of filing fees/posting bonds, filing notice of cross-appeal or filing Case Management Statement. Melina Brill ProTem Judge - Author

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9. 4-Jun-2015 ORDERED: (Court wishes to conduct a telephonic assessment conference w/ counsel) Setting telephonic assessment conference for 7/1/15 @ 9:30 am. Judge Lawrence F Winthrop will conduct telephonic conference. FURTHER ORDERED: Counsel should be prepared to address following questions during conference (see order). Melina Brill ProTem Judge - Author
10. 1-Jul-2015 ORDERED: Court will hold in-person settlement conference on 7/30/15 at 9:30 am. FURTHER ORDERED: participants shall have full authority to negotiate and settle case on any agreed-upon terms at the conference. FURTHER ORDERED: each separately represented party submit settlement conference statement to (email address provided in this order) on/before 5 pm, 7/24/15. Hon Lawrence F Winthrop - Author
11. 16-Jul-2015 ORDERED: vacating the settlement conference initially set for 7/30/15, and resetting it for 8/26/15, at 9:30 a.m. FURTHER ORDERED: the settlement conference state in this case shall be filed on or before 8/19/15. Hon Lawrence F Winthrop - Author
12. 26-Aug-2015 ORDERED: (Settlement conference having been held and dispute remaining unresolved) Lifting stay of this appeal. FURTHER ORDERED: Opening brief is due on/before 9/25/15. FURTHER ORDERED: Parties shall address any future motions to court. Hon Lawrence F Winthrop - Author
13. 3-Sep-2015 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service for Motion for Extension of Time to File Opening Brief
14. 4-Sep-2015 ORDERED: Motion for Extension of Time to File Opening Brief = GRANTED. Due date EXTENDED from Friday, 09-25-2015 to Monday, 10-26-2015. Absent compelling circumstances, no further extensions will be granted. Melina Brill ProTem Judge - Author
15. 10-Sep-2015 FILED: Notice of Filing Excerpt of Trial Transcript for September 17, 2014; Certificate of Service for Notice of Filing Excerpt of Trial Transcript for September 17, 2014; Reporters Transcript - 9/17/14 - Trial (William J. Garling) (Pg 1-32); Reporters Transcript - 9/17/14 - Trial (William J. Garling) (Pg 33-64)
16. 10-Sep-2015 FILED: Notice of Filing Excerpts of Trial Transcripts for September 18th, 22nd and 23rd; Certificate of Service of Notice of Filing Excerpts of Trial Transcripts for September 18th, 22nd and 23rd; Reporters Transcript - 9/18/14 - Trial (William J. Garling); Reporters Transcript - 9/22/14 & 9/23/14 - Trial (William J. Garling)
17. 10-Sep-2015 FILED: Notice of Filing Excerpt of Trial Transcript for September 24, 2014; Certificate of Service of Notice of Filing Excerpt of Trial Transcript for September 24, 2014; Reporters Transcript - 9/24/14 - Trial (William J. Garling) (Pg 1-64); Reporters Transcript - 9/24/14 - Trial Day (William J. Garling) (Pg 65-125)
18. 10-Sep-2015 FILED: Notice of Filing Excerpt of Trial Transcript for September 29, 2014; Certificate of Service of Notice of filing Excerpt of Trial Transcript for September 29, 2014; Reporters Transcript - 9/29/14 - Trial Day (William J. Garling) (Pg 1-60); Reporters Transcript - 9/29/14 - Trial Day (William J. Garling) (Pg 61-119)
19. 30-Sep-2015 FILED: Second Motion for Extension of Time to File Opening Brief; Certificate of Service for Second Motion for Extension of Time to File Opening Brief
20. 2-Oct-2015 ORDERED: Second Motion for Extension of Time to File Opening Brief = GRANTED. Due date EXTENDED from Monday, 10-26-2015 to Wednesday, 11-25-2015. Melina Brill ProTem Judge - Author
21. 26-Oct-2015 FILED: Notice of Change of Law Firm of Counsel for Defendant Secura Insurance; Certificate of Service of Notice of Change of Law Firm of Counsel for Defendant Secura Insurance
22. 24-Nov-2015 FILED: Appellant's Opening Brief; Certificate Of Compliance For Appellant's Opening Brief; Certificate Of Service For Appellant's Opening Brief; Appendix
23. 8-Dec-2015 FILED: Notice of Filing Excerpt of Trial Transcript for 10/01/2014; Certificate of Service for Notice of Filing Excerpt of Trial Transcript for 10/01/2014; Reporter's Transcript – 10/01/2014 - Trial Day 10 (J. Marie Moran)
24. 8-Dec-2015 FILED: Notice of Filing Excerpt of Trial Transcript for 10/02/2014; Certificate of Service for Notice of Filing Excerpt of Trial Transcript for 10/02/2014; Reporter's Transcript – 10/02/2014 - Trial Day 11 (Laura I Blair)
25. 8-Dec-2015 FILED: Notice of Filing Excerpt of Trial Transcript for Afternoon of 9/30/2014; Certificate of Service for Notice of Filing Excerpt of Trial Transcript for Afternoon of 9/30/2014; Reporter's Transcript – 09/30/2014 - Jury Trial Day 9 - PM (Debra Price)
26. 8-Dec-2015 FILED: Notice of Filing Excerpt of Trial Transcript for Morning of 09/30/2014; Certificate of Service of Notice of Filing Excerpt of Trial Transcript for Morning of 09/30/2014; Reporter's Transcript – 09/30/2014 - Jury Trial Day 9 - AM (Karina Savelio)
27. 28-Dec-2015 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)

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| 28. | 29-Dec-2015 | ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-11-2016 to Thursday, 01-21-2016. Barbara Vidal Vaught ProTem Judge - Author  |
| 29. | 14-Jan-2016 | FILED: Notice of Filing Trial Transcript for 10/03/2014; Certificate of Service for Notice of Filing Trial Transcript for 10/03/2014 (Settling Jury Instructions); Reporter's Transcript – 10/03/2014 - Settling Jury Instructions (Donna Limerick)  |
| 30. | 14-Jan-2016 | FILED: Notice of Filing Transcript for 02/13/2015; Certificate of Service for Notice of Filing Transcript for 02/13/2015 (Oral Argument on Secura's Motion for New Trial); Reporter's Transcript – 02/13/2015 - Oral Argument (Lisa J Berkey)  |
| 31. | 21-Jan-2016 | FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service for Appellees' Answering Brief (Appellee)  |
| 32. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/16/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/16/14; Reporter's Transcript - 9/16/14 - Trial Day 1 (Transcriptionist, Kimberly C. McCright) (Appellee)                              |
| 33. | 21-Jan-2016 | FILED: Notice of Filing Garling Trial Transcript of Excerpts for 09/24/14; Certificate of Service for Notice of Filing Garling Trial Transcript Excerpts for 09/24/14; Reporter's Transcript - 9/24/14 - Jury Trial, Day VI of XII (William J. Garling) (Appellee)                                   |
| 34. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/17/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/17/14; Reporter's Transcript - 9/17/2014 - Trial Day 2 (Partial Trial Excerpts) (Transcriptionist, Lee Ann Nussbaum) (Appellee)       |
| 35. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/18/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/18/14; Reporter's Transcript - 9/18/2014 - Trial Day 3 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 36. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/23/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/23/14; Reporter's Transcript - 9/23/2014 - Trial Day 5 (Transcriptionist, Kimberly C. McCright) (Appellee)                            |
| 37. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/24/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/14/14; Reporter's Transcript - 9/24/2014 - Trial Day 6 (Transcriptionist, Kimberly C. McCright) (Appellee)                            |
| 38. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/25/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/25/14; Reporter's Transcript - 9/25/2014 - Trial Day 7 (Transcriptionist, Kimberly C. McCright) (Appellee)                            |
| 39. | 21-Jan-2016 | FILED: Notice of Filing AV Tranz Transcript of Proceedings Excerpts for 10-03-14; Certificate of Service for Notice of Filing AV Tranz Transcript of Proceedings for Excerpts for 10-03-14; Reporter's Transcript - 10/03/2014 - (Excerpts of Hearing) (Transcriptionist, Donna Limerick) (Appellee) |
| 40. | 21-Jan-2016 | FILED: Notice of Filing AV Tranz Transcript of Proceedings Excerpts for 02-13-15; Certificate of Service for Notice of Filing AV Tranz Transcript of Proceedings Excerpts for 02-13-15; Reporter's Transcript - 02/13/2015 - Oral Argument (Excerpts) (Transcriptionist, Lisa Berkey) (Appellee)     |
| 41. | 21-Jan-2016 | FILED: Notice of Filing Garling Trial Transcript of Excerpts for 09/17/14; Certificate of Service for Notice of Filing Garling Trial Transcript Excerpts for 09/17/14; Reporter's Transcript - 9/17/2014 - Trial Day 2 (Partial Trial Excerpts) (Transcriptionist, William J. Garling) (Appellee)    |
| 42. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/29/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/29/14; Reporter's Transcript - 9/25/2014 - Trial Day 8 (Transcriptionist, Kimberly C. McCright) (Appellee)                            |
| 43. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/30/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/30/14; Reporter's Transcript - 9/30/2014 - Trial Day 9 (Transcriptionist, Coleen Rand) (Appellee)                                     |

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**82 PROCEEDING ENTRIES**

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| 44. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 10/01/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 10/01/14; Reporter's Transcript - 10/01/2014 - Trial Day 10 (Transcriptionist, Tracy A. Gegenheimer) (Appellee)                       |
| 45. | 21-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 10/06/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 10/06/14; Reporter's Transcript - 10/06/2014 - Trial Day 12 (Transcriptionist, Patricia Noell) (Appellee)                             |
| 46. | 21-Jan-2016 | FILED: Notice of Filing Garling Trial Transcript of Excerpts for 09/18/14; Certificate of Service for Notice of Filing Garling Trial Transcript Excerpts for 09/18/14; Reporter's Transcript - 9/18/2014 - Trial Day 3 (Partial Trial Excerpts) (Transcriptionist, William J. Garling) (Appellee) |
| 47. | 21-Jan-2016 | FILED: Notice of Filing Garling Trial Transcript of Excerpts for 09/29/14; Certificate of Service for Notice of Filing Garling Trial Transcript Excerpts for 09/29/14; Reporter's Transcript - 9/29/2014 - Trial Day 8 (Partial Trial Excerpts) (Transcriptionist, William J. Garling) (Appellee) |
| 48. | 21-Jan-2016 | FILED: Supplemental Citation to Transcript of Oral Argument on Motion for New Trial; Certificate of Service of Supplemental Citation to Transcript of Oral Argument on Motion for New Trial (Appellant)   |
| 49. | 22-Jan-2016 | FILED: Notice of Errata; Certificate of Service for Notice of Errata (Appellee)   |
| 50. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/16/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/16/14 (Appellee)   |
| 51. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/16/2014 - Trial Day 1 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 52. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/17/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/17/14 (Appellee)   |
| 53. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/17/14 - Trial Day 2 (Partial Trial Excerpts) (Transcriptionist, Lee Ann Nussbaum) (Appellee)   |
| 54. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/24/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/24/14 (Appellee)   |
| 55. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/24/2014 - Trial Day 6 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 56. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/25/14; Certificate of Service Notice of Filing Verbatim Trial Transcript Excerpts for 09/25/14 (Appellee)   |
| 57. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/25/2014 - Trial Day 7 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 58. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/18/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/18/14 (Appellee)   |
| 59. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/18/2014 - Trial Day 3 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 60. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/23/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/23/14 (Appellee)   |
| 61. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/23/2014 - Trial Day 5 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 62. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/29/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/29/14 (Appellee)   |
| 63. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/29/2014 - Trial Day 8 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)   |
| 64. | 22-Jan-2016 | FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 09/30/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 09/30/14 (Appellee)   |
| 65. | 22-Jan-2016 | FILED: Reporter's Transcript - 9/30/2014 - Trial Day 9 (Partial Trial Excerpts) (Transcriptionist, Coleen Rand) (Appellee)  |

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66.	22-Jan-2016	FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 10/01/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 10/01/14 (Appellee)
67.	22-Jan-2016	FILED: Reporter's Transcript - 10/01/2014 - Trial Day 10 (Partial Trial Excerpts) (Transcriptionist, Tracy A. Gegenheimer) (Appellee)
68.	22-Jan-2016	FILED: Notice of Filing Verbatim Trial Transcript Excerpts for 10/06/14; Certificate of Service for Notice of Filing Verbatim Trial Transcript Excerpts for 10/06/14 (Appellee)
69.	22-Jan-2016	FILED: Reporter's Transcript - 10/06/2014 - Trial Day 12 (Partial Trial Excerpts) (Transcriptionist, Kimberly C. McCright) (Appellee)
70.	12-Feb-2016	FILED: Motion for Extension of Time to File Reply Brief; Certificate of Service
71.	16-Feb-2016	ORDERED: Motion for Extension of Time to File Reply Brief = GRANTED. Due date EXTENDED from Tuesday, 02-16-2016 to Tuesday, 02-23-2016. Barbara Vidal Vaught ProTem Judge - Author
72.	23-Feb-2016	FILED: Appellant's Request for Oral Argument; Certificate of Service
73.	23-Feb-2016	FILED: Appellant's Reply Brief; Certificate of Compliance for Appellant's Reply Brief; Certificate of Service for Appellant's Reply Brief
74.	2-Mar-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
75.	9-Mar-2016	ORDERED: Appellant's Request for Oral Argument = GRANTED. Hon Michael J Brown - Author
76.	11-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
77.	11-Mar-2016	FILED: Additional Record on Appeal: Exhibits: HD 9/16/014 - List and # 1 2 3 4 5 6 7 8 9 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 78 79 80 81 82 83 84 85 86 87 88 89 90 91 101 102 103 204 205 206 207 208 209 210 211 213 219 220 221 222 223 224 225 226 227 228 229 245 247 265 291 302 303 304 384 388 389 in box.
78.	28-Oct-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 12-20-16, 11:00 am, COURTROOM 1.
79.	8-Nov-2016	FILED: Notice of Oral Argument
80.	9-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by Joel Deciancio on 11/09/2016 (Appellant)
81.	12-Dec-2016	FILED: Receipt for Notice of Oral Argument, signed by David E Wattel on 11/08/2016 (Appellees)
82.	20-Dec-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 12/20/2016 (Dept B)